

1 when both, Eduardo Diaz and Bou were Acting Chief?

2 A Sure.

3 Q Did you assist at any point in time
4 during the period of Mr. Morley in the preparation of
5 PD's for both Mr. Figueroa and Mr. Bou?

6 A I assisted, yes, on the PD of Engineer
7 Bou. Engineer Bou, when Mr. Morley was appointed
8 Chief of the Service, a re-description of his
9 position description was done in order for him to be
10 Assistant Chief, and I assisted in that preparation,
11 gathering documentation and doing the papers.

12 Q Because from what I understand, Mr.
13 Morley was more into Environmental, less in Engineer.
14 Do you remember how much assistance in the
15 Engineering Section was given by Mr. Bou, by Mr.
16 Figueroa?

17 A When a position description is re-done,
18 or is going to be re-described--

19 Q Excuse me, I am not talking about the
20 position description, but since you were there, I am
21 referring to the fact that we have all heard here,
22 including from Mr. Diaz, that there was some
23 resentment when Mr. Morley was placed as Chief,
24 because he was not an Engineer, and he needed

1 assistance, in the sense of to understand the
2 Engineering aspect of his position.

3 MS. GONZALEZ: Counsel, I have an
4 objection as to the form of the question. Not facts
5 into evidence.

6 MS. RODRIGUEZ FRANK: I am just placing
7 you in time.

8 EXAMINATION CONTINUED

9 BY MS. RODRIGUEZ FRANK:

10

11 Q Do you remember that what I am telling
12 you is correct, that they had to assist Mr. Morley in
13 the Engineering side of the duties that he had to
14 perform?

15 A When you say they, who are you
16 referring to?

17 Q Diaz, Bou, Figueroa, who were all the
18 Engineers there, or was it all done by Mr. Bou?

19 A No, Mr. Morley was a Service Chief, and
20 if he had to make, let's say a mechanical decision,
21 he would consult it with the engineers.

22 Q Do you see that from Mr. Marrero, that
23 is an engineer?

24 A Yes, yes. He consults also with

1 engineers.

2 Q Including, knowing that he is an
3 engineer too, and that he has--

4 A Yes.

5 Q But the same thing, do you think that
6 Morley requires more assistance than Mr. Marrero, in
7 terms of-- not consulting, assistance, because I
8 assume that Mr. Morley couldn't read drawings--

9 MS. GONZALEZ: Objection, counsel.
10 Argumentative. EXAMINATION CONTINUED

11 BY MS. RODRIGUEZ FRANK:

12 Q Do you know whether Mr. Morley read
13 drawings?

14 A I don't know.

15 Q you don't know?

16 A No.

17 Q During those consultations, did you see
18 Mr. Morley with the drawings and the engineers there?

19 A Yes.

20 Q How was the consulting done?

21 A As they have done today. They put the
22 drawings on the table, they put all the plans on the
23 table and they discuss the layouts and everything,
24 that is still done every day, I see that every day.

1 Q With the current Service Chief, do you
2 have the same duties?

3 A I have more duties.

4 Q And what happened to the ones you had
5 before?

6 A I still have them.

7 Q But you have them all, or they are
8 reassigned to people who are under your supervision?

9 A No, some of them are reassigned to
10 people under my supervision, but I am solely
11 responsible for those duties.

12 Q But someone else is the one doing the
13 first, I am not talking about responsibilities, I am
14 talking about the day to day.

15 A I have staff members.

16 Q You have staff members who are
17 performing your duties, but as Chief you are the one
18 in charge that that person performs the duties,
19 because you understand that you have them also, is
20 that the way you think?

21 MS. GONZALEZ: Objection, compound.
22 Counsel, you made like three questions in one.

23 EXAMINATION CONTINUED

24 BY MS. RODRIGUEZ FRANK:

1 Q I am asking you, I understand that you
2 have staff, but that person is the one who performs
3 that duty directly, is that true?

4 A What duties are you referring to?

5 Q The ones that you were telling me that
6 you have people who are presently assigned to them
7 directly. Those persons are the ones who have those
8 duties directly in their PD's?

9 A Definitely.

10 Q And you go over them and you are a
11 supervisor, is that true?

12 A Yes, that is true.

13 Q And you sit down with them, once or
14 twice a year and you tell them how they are
15 performing those duties?

16 A That is
 correct.

17 Q But what you are saying is that those
18 persons, even though they are assigned to them, you
19 feel responsible that they are done, is that correct?

20 A Definitely, that is correct.

21 Q And going back to Mr. Morley, when he
22 had to deal with technical aspects, who answered
23 those questions, who made the decision? Like for
24 example shutting down the chiller plant?

1 A It is still the sole responsibility of
2 the Service Chief. If we make a decision in the
3 hospital to shut down something, as operation of the
4 chiller plant, it is the responsibility of the
5 Service Chief.

6 Q Okay, but he needs, in his case, he
7 needed to consult with his supervisors in order to
8 determine---

9 A He will consult with the supervisors
10 and the engineers, that is correct.

11 Q What I am saying is, if he is told
12 during one night by one of, for example, a Center
13 Director, talking about Mr. Morley, and he says "We
14 want to shut down that chiller plant right now."
15 Would he make the decision or he needed to say "Wait
16 a second, I need to consult one of my Engineers"?

17 MS. GONZALEZ: Objection counsel,
18 speculative. You are posing a situation that is not a
19 fact in this case.

20 MS. RODRIGUEZ FRANK: Okay, but she needs to
21 answer, if it is speculative.

22 MS. GONZALEZ: Well, I object as to the
23 question.

24 MS. RODRIGUEZ FRANK: She needs
 to answer.

1 THE DEPONENT: The Center Director would
2 not call, he would not make that decision.

3 EXAMINATION CONTINUED

4 BY MS. RODRIGUEZ FRANK:

5
6 Q No, he is not going to make the
7 decision?

8 A He wouldn't even call to make the
9 decision.

10 Q Why?

11 A Because that is something that is
12 operated by Facility Management Service. If something
13 goes wrong with Facility Management Service, it is
14 our employees who would tell us, it would be an
15 employee who would call the Service Chief.

16 Q Okay, but let's say that employee calls
17 Mr. Morley, "We want to shut down the chiller plant."
18 Would he make the decision by himself, or he needed
19 to call one of the engineers?

20 A No, he would call the whole team, and
21 everybody would come in.

22 Q At night?

23 A At night and that has happened.

24 Q And you were there? You were considered

1 one of the team members?

2 A At this time, yes, I am considered one
3 of the team members.

4 Q At that point you were not?

5 A At that time I was not.

6 Q Now you are called in?

7 A Yes.

8 Q And what training have you taken in
9 terms of engineering?

10 A I am not called in for engineering
11 purposes, I am called in for administrative purposes.

12
13 Q Okay, so if they are shutting down the
14 chiller plant, you won't be called?

15 A It depends, if it involves cost, if it
16 is going to involve bringing in employees, if it is
17 going to involve putting the command post, activating
18 the command post in the facility, I would be involved
19 in it.

20 Q Like in a hurricane?

21 A Yes.

22 Q When the position of Service Chief was
23 being selected, were you involved at all?

24 A No.

1 Q You were not in a meeting in which
2 both, Mr. Diaz was present, that you were present in
3 which Mr. Diaz explained to Mrs. Janette Diaz that he
4 was reviewing the applications?

5 A Yes, I was a that meeting.

6 Q And she learned that he was -- who gave
7 Mr. Diaz the applications in order to review them, if
8 you remember?

9 A I believe it was Human Resources.

10 Q And why were they given to him?

11 A I don't know.

12 Q Do you remember what he stated to Mrs.
13 Diaz during that meeting?

14 A Not exactly the words. I know he
15 mentioned that he was evaluating some applications.

16 Q And what happened?

17 A Nothing, he was asked to return the
18 application, I believe.

19 Q He was asked to return the application,
20 by whom?

21 A Either he was asked or he was called by
22 Human Resources. He was called, I believe it was to
23 return the applications.

24 Q But your personnel was not the one

1 involved in returning the applications?

2 A No, no.

3 Q Nor giving the applications to him for
4 review?

5 A No, no.

6 Q I didn't tell you this at the
7 beginning, but her and my responsibility is to find
8 out the truth.

9 A I know.

10 Q I don't want you to feel that you need
11 to be guarded or anything like that, Mr. Morley is
12 dead.

13 A I know.

14 Q No one is evaluating how he performed
15 and he didn't have to do at all with the selection of
16 the FMS Chief or the Assistant Chief.

17 A I am fully aware.

18 Q Okay and if she didn't tell you, I am
19 going to tell you, nothing is going to happen to you,
20 and if something happens, because you are testifying
21 today, then you tell us but allegedly, nothing is
22 going to happen to you. I am just finding out because
23 remember that I have Eduardo Diaz here, I have Mr.
24 Bou and I have, and last night I have Miguel Cruz

1 too. That is why I know about his assistance.

2 When did you meet Jaime Marrero?

3 A When he came in as Service Chief in the
4 Facility Management Service.

5 Q You did not meet him before?

6 A No.

7 Q And once he came in, he was immediately
8 assigned to your duties or you continued with the
9 same duties that you had?

10 A Immediately when he came I, I still had
11 my same duties.

12 Q After the recent re-organization, how
13 long ago did you become a GS-13?

14 A In December.

15 Q In December so it is less than six months?

16 A December 2004, 6 months.

17 Q But you were still, even though he was
18 in and you were getting to know him, you were still
19 involved in personnel decisions and budgetary
20 decisions?

21 A Yes.

22 Q And were you involved in meetings, I
23 think there is a board called EFB, the one who makes
24 the decision on the placing of positions within the

1 service, or within the agency. Are you a member or do
2 you assist to those meetings?

3 A You have to be more specific.

4 Q It's a board that determines the use of
5 the phones and the Center Director is part of it,
6 there is a member or the Union, Mrs. Nunci is also
7 part of it. Have you come to those meetings?

8 A Yes, I have gone to them, but I am not
9 a member.

10 Q Oh, okay.

11 A If you're referring to the Executive
12 Financial Board, I am not a member.

13 Q You are not a member?

14 A No.

15 Q But those are, they are the Executive
16 Financial Board, the ones that make the decision on
17 how to use the phones of the agency, including the
18 positions?

19 A That is correct.

20 Q And you are telling me that they have
21 hired an engineer, and I imagine that you have gone
22 with Mr. Marrero, or he has gone by himself in order
23 to justify the positions?

24 A Yes, there are meetings in which I have

1 gone with him and there meetings in which he has gone
2 by himself. Q And how many positions have
3 they approved, the Executive Financial Board? I think
4 there is a member of the Union too, but it's--

5 A Yes. How many positions for what,
6 facility or?

7 Q For your service, just for your
8 service.

9 A For my Service I can say--

10 Q All, not your service, the whole
11 service where you work in, FMS.

12 A Facility Management Service. For what
13 year?

14 Q From Mr. Marrero's, Marrero started
15 working in the year 2002, so--

16 A I would say -- I don't have an exact
17 number.

18 Q Just from the Engineering side, you
19 just told me that you had five more engineer?

20 A Yes, because you specifically asked me
21 for the engineers. If you are asking me for the
22 Facility Management Service, we have hired a few.

23 Q But what is a few, 25, 50 people more?

24 A Approximately, I can't give you an

1 exact number, and it depends, if you are talking
2 about permanent staff, temporary staff, turn
3 appointments, it varies, but we have hired staff.

4 Q Okay, but with the different
5 classifications, temporary, permanent, details, I
6 imagine that you have details, do you have a few,
7 could it be more less 75 employees?

8 A It could be, it could be.

9 Q Seventy five to 100?

10 A No, it would not be 100, it would not
11 be 100 and I don't think we make it to 75, I would
12 say maybe 60 employees.

13 Q And those would include the new
14 engineers?

15 A Yes, that for the service.

16 Q Were these positions filled out --I am
17 not going to ask you that because I know from Miguel
18 Cruz, he told me last night, that he was hired by
19 Eduardo Diaz. So I imagine that even the Acting
20 Chiefs hire people.

21 A When they are acting, when they are
22 acting, yes.

23 Q I am not saying that they do the actual
24 hiring, I am saying that they have new employees?

1 A Yes, yes.

2 Q Did at any point in time, did you tell
3 Mr. Marrero that Mr. Bou had in his PD Assistant
4 duties responsibilities?

5 A Yes.

6 Q And what was his response?

7 A He was going to re-evaluate the
8 position description.

9 Q And then he brought in someone else?
10 Did you assist him in the preparation of the
11 Assistant Chief Position?

12 A No.

13 Q Who did that?

14 A That was Human Resources who worked
15 that out. Human Resource Department and I believe it
16 was the specialist assigned to Facility Management
17 Service.

18 Q And who is that?

19 A Iris Aleman.

20 Q Iris Aleman?

21 A Yes.

22 MS. GONZALEZ: In preparation of what?

23 MS. RODRIGUEZ FRANK: The Assistant Chief
24 PD, Position Description.